

SENATE BILL 128

C7

11r1107

By: **Harford County Senators**

Introduced and read first time: January 24, 2011

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Harford County – Charitable Gaming**

3 FOR the purpose of creating in Harford County a permit to be issued by the Sheriff of
4 Harford County that authorizes certain nonprofit organizations to conduct a
5 gaming contest in Harford County; specifying certain requirements that
6 organizations must meet to be issued a permit; specifying a certain maximum
7 number of gaming contests an organization may hold in a year and the location
8 and hours for conducting a gaming contest; authorizing certain games to be
9 conducted at a gaming contest under certain circumstances; specifying the
10 maximum bet a single individual may place on a game; specifying that alcoholic
11 beverages may be served or sold under certain conditions; prohibiting profits or
12 proceeds from being paid to certain persons or after certain costs are deducted
13 for purposes other than the purposes of the organization; requiring the holder of
14 a permit to meet certain financial reporting requirements; authorizing the
15 Sheriff of Harford County to refuse to issue a permit under certain conditions;
16 requiring the Sheriff to adopt certain regulations; providing a certain penalty;
17 defining a certain term; and generally relating to gaming contests in Harford
18 County.

19 BY renumbering

20 Article – Criminal Law
21 Section 13–1512
22 to be Section 13–1513
23 Annotated Code of Maryland
24 (2002 Volume and 2010 Supplement)

25 BY adding to

26 Article – Criminal Law
27 Section 13–1512
28 Annotated Code of Maryland
29 (2002 Volume and 2010 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That Section(s) 13–1512 of Article – Criminal Law of the Annotated
3 Code of Maryland be renumbered to be Section(s) 13–1513.

4 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
5 read as follows:

6 **Article – Criminal Law**

7 **13–1512.**

8 **(A) IN THIS SECTION, “GAMING CONTEST” MEANS AN EVENT THAT**
9 **INVOLVES A CARD GAME, DICE GAME, OR ROULETTE.**

10 **(B) AN ORGANIZATION SHALL BE ISSUED A PERMIT FROM THE SHERIFF**
11 **OF HARFORD COUNTY BEFORE THE ORGANIZATION MAY CONDUCT A GAMING**
12 **CONTEST IN HARFORD COUNTY.**

13 **(C) AN ORGANIZATION IS ELIGIBLE TO BE ISSUED A PERMIT IF THE**
14 **ORGANIZATION QUALIFIES AS A NONPROFIT ORGANIZATION UNDER § 501(C)(3)**
15 **OR (19) OF THE INTERNAL REVENUE CODE AND HAS BEEN LOCATED IN THE**
16 **COUNTY FOR AT LEAST 3 YEARS BEFORE APPLYING FOR THE PERMIT.**

17 **(D) TO BE ISSUED A PERMIT, AN ORGANIZATION SHALL:**

18 **(1) SUBMIT AN APPLICATION TO THE SHERIFF ON A FORM THAT**
19 **THE SHERIFF REQUIRES;**

20 **(2) STATE ON THE APPLICATION FORM THE PURPOSE FOR WHICH**
21 **THE PROCEEDS OF THE GAMING CONTEST WILL BE USED; AND**

22 **(3) PAY THE PERMIT FEE THAT THE SHERIFF DETERMINES.**

23 **(E) (1) (I) A HOLDER OF A PERMIT MAY CONDUCT NOT MORE THAN**
24 **FOUR GAMING CONTESTS IN A CALENDAR YEAR.**

25 **(II) A PERMIT IS NOT TRANSFERABLE.**

26 **(2) A GAMING CONTEST MAY BE HELD ONLY:**

27 **(I) BETWEEN 4 P.M. AND 1 A.M. THE FOLLOWING DAY; AND**

28 **(II) IN A STRUCTURE OR AT A LOCATION THAT IS OWNED OR**
29 **LEASED BY THE HOLDER OF THE PERMIT.**

1 **(3) A SEPARATE PERMIT IS REQUIRED FOR EACH GAMING**
2 **CONTEST.**

3 **(4) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,**
4 **BINGO, INSTANT BINGO, A RAFFLE, A PADDLE WHEEL, OR A 50/50 RAFFLE MAY**
5 **BE INCLUDED IN THE GAMES CONDUCTED AT A GAMING CONTEST.**

6 **(II) A GAMING CONTEST MAY NOT CONSIST EXCLUSIVELY OF**
7 **ONLY A GAME SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

8 **(F) (1) THE MAXIMUM BET A SINGLE INDIVIDUAL MAY PLACE ON ANY**
9 **GAME CONDUCTED DURING A GAMING CONTEST IS \$10.**

10 **(2) A HOLDER OF A PERMIT MAY SERVE OR SELL ALCOHOLIC**
11 **BEVERAGES AT A GAMING CONTEST ONLY IF THE HOLDER IS ISSUED THE**
12 **PROPER LICENSE BY THE HARFORD COUNTY LIQUOR CONTROL BOARD.**

13 **(3) THE HOLDER OF A PERMIT MAY AWARD PRIZES OF MONEY OR**
14 **MERCHANDISE.**

15 **(G) AN ORGANIZATION MAY RENT OR PURCHASE NECESSARY**
16 **EQUIPMENT AND SUPPLIES TO CONDUCT A GAMING CONTEST BUT MAY NOT**
17 **ENTER INTO A LEASE OR OTHER AGREEMENT TO SHARE PROFITS FROM THE**
18 **GAMING CONTEST.**

19 **(H) (1) A GAMING CONTEST SHALL BE MANAGED AND OPERATED**
20 **PERSONALLY BY MEMBERS OF THE ORGANIZATION CONDUCTING THE GAMING**
21 **CONTEST WITHOUT THE ASSISTANCE OF ANY OUTSIDE WORKER, INCLUDING A**
22 **PAID OR PROFESSIONAL CASINO OPERATOR, MANAGER, OR SUPPLIER OF**
23 **EQUIPMENT.**

24 **(2) A MEMBER OF THE ORGANIZATION MAY NOT RECEIVE OR BE**
25 **PAID ANY OF THE PROCEEDS FROM THE GAMING CONTEST FOR PERSONAL USE**
26 **OR BENEFIT.**

27 **(3) A PERSON MAY NOT RECEIVE A SALARY, COMMISSION, OR**
28 **COMPENSATION OF ANY KIND FOR MANAGING THE GAMING CONTEST OR**
29 **OPERATING A GAME PLAYED IN THE GAMING CONTEST.**

30 **(4) A PERSON OTHER THAN THE HOLDER OF THE PERMIT MAY**
31 **NOT RECEIVE OR BE PAID ANY PROCEEDS.**

1 **(I) AFTER COSTS INCURRED IN CONDUCTING A GAMING CONTEST ARE**
2 **DEDUCTED, PROCEEDS FROM A GAMING CONTEST MAY BE USED ONLY FOR THE**
3 **PURPOSES OF THE ORGANIZATION.**

4 **(J) (1) WITHIN 30 DAYS AFTER A GAMING CONTEST, THE HOLDER OF**
5 **THE PERMIT SHALL SUBMIT TO THE SHERIFF A FINANCIAL REPORT THAT LISTS**
6 **ALL OF THE RECEIPTS AND EXPENDITURES FOR THE GAMING CONTEST.**

7 **(2) THE REPORT SHALL CONTAIN A FULL ACCOUNTING OF THE**
8 **PROCEEDS AND EXPENSES OF THE GAMING CONTEST.**

9 **(3) THE SHERIFF OR THE OFFICE OF THE HARFORD COUNTY**
10 **STATE'S ATTORNEY MAY REQUIRE THE HOLDER OF THE PERMIT TO PRODUCE**
11 **ALL FINANCIAL RECORDS OF THE GAMING CONTEST.**

12 **(4) THE HOLDER OF THE PERMIT SHALL KEEP ALL FINANCIAL**
13 **RECORDS OF THE GAMING CONTEST FOR AT LEAST 2 YEARS AFTER THE GAMING**
14 **CONTEST.**

15 **(5) THE SHERIFF MAY REFUSE TO ISSUE A PERMIT TO AN**
16 **APPLICANT WHO HAS FAILED TO FILE A REQUIRED REPORT FROM A PREVIOUS**
17 **GAMING CONTEST OR IS LATE IN FILING FEDERAL OR STATE TAX REPORTS.**

18 **(6) IF REQUESTED BY THE SHERIFF, THE HOLDER OF THE**
19 **PERMIT SHALL PAY ALL FINANCIAL AUDIT COSTS.**

20 **(K) THE SHERIFF SHALL ADOPT REGULATIONS TO CARRY OUT THIS**
21 **SECTION.**

22 **(L) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A**
23 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT**
24 **EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH.**

25 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 July 1, 2011.